AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5602 OFFERED BY MY. Nadler

Strike all that follows after the enacting clause and insert the following:

1	SECTION	1.	SHORT	TITLE.
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- This Act may be cited as the "Domestic Terrorism
- 3 Prevention Act of 2020".

4 SEC. 2. FINDINGS.

- 5 Congress finds the following:
- 6 (1) Recent reports have demonstrated that
- 7 White supremacists and other far-right-wing extrem-
- 8 ists are the most significant domestic terrorism
- 9 threat facing the United States, including—
- 10 (A) a February 22, 2019, New York Times
- op-ed, by a Trump Administration United
- 12 States Department of Justice official, who
- wrote that "white supremacy and far-right ex-
- 14 tremism are among the greatest domestic-secu-
- rity threats facing the United States. Regret-
- tably, over the past 25 years, law enforcement,
- at both the Federal and State levels, has been
- slow to respond. . . . Killings committed by in-

1	dividuals and groups associated with far-right
2	extremist groups have risen significantly.";
3	(B) an April 2017 Government Account-
4	ability Office report on the significant, lethal
5	threat posed by domestic violent extremists,
6	which—
7	(i) explained that "[s]ince September
8	12, 2001, the number of fatalities caused
9	by domestic violent extremists has ranged
10	from 1 to 49 in a given year."; and
11	(ii) noted that "[F]atalities resulting
12	from attacks by far right wing violent ex-
13	tremists have exceeded those caused by
14	radical Islamist violent extremists in 10 of
15	the 15 years, and were the same in 3 of
16	the years since September 12, 2001. Of
17	the 85 violent extremist incidents that re-
18	sulted in death since September 12, 2001,
19	far right wing violent extremist groups
20	were responsible for 62 (73 percent) while
21	radical Islamist violent extremists were re-
22	sponsible for 23 (27 percent)."; and
23	(C) an unclassified May 2017 joint intel-
24	ligence bulletin from the Federal Bureau of In-
25	vestigation and the Department of Homeland

1		Security, which found that "white supremacist
2		extremism poses [a] persistent threat of lethal
3		violence," and that White supremacists "were
4	30	responsible for 49 homicides in 26 attacks from
5		2000 to 2016 more than any other domes-
6		tic extremist movement".
7		(2) Recent domestic terrorist attacks include—
8		(A) the August 5, 2012, mass shooting at
9		a Sikh gurdwara in Oak Creek, Wisconsin, in
10		which a White supremacist shot and killed 6
11		members of the gurdwara;
12		(B) the April 13, 2014, mass shooting at
13		a Jewish community center and a Jewish as-
14		sisted living facility in Overland Park, Kansas,
15		in which a neo-Nazi shot and killed 3 civilians,
16		including a 14-year-old teenager;
17		(C) the June 8, 2014, ambush in Las
18		Vegas, Nevada, in which 2 supporters of the
19		far-right-wing "patriot" movement shot and
20		killed 2 police officers and a civilian;
21		(D) the June 17, 2015, mass shooting at
22		the Emanuel AME Church in Charleston, South
23		Carolina, in which a White supremacist shot
24		and killed 9 members of the church;

1		(E) the November 27, 2015, mass shooting
2		at a Planned Parenthood clinic in Colorado
3		Springs, Colorado, in which an anti-abortion ex-
4		tremist shot and killed a police officer and 2 ci-
5		vilians;
6		(F) the March 20, 2017, murder of an Af-
7		rican-American man in New York City, alleg-
8		edly committed by a White supremacist who re-
9		portedly traveled to New York "for the purpose
10		of killing black men";
11		(G) the May 26, 2017, attack in Portland,
12		Oregon, in which a White supremacist allegedly
13		murdered 2 men and injured a third after the
14	797	men defended 2 young women whom the indi-
15		vidual had targeted with anti-Muslim hate
16		speech;
17		(H) the August 12, 2017, attacks in Char-
18		lottesville, Virginia, in which—
19		(i) a White supremacist killed one and
20		injured nineteen after driving his car
21		through a crowd of individuals protesting a
22		neo-Nazi rally, and of which former Attor-
23		ney General Jeff Sessions said, "It does
24		meet the definition of domestic terrorism
2.5		in our statute.": and

1	(ii) a group of 6 men linked to militia
2	or White supremacist groups assaulted an
3	African-American man who had been pro-
4	testing the neo-Nazi rally in a downtown
5	parking garage;
6	(I) the July 2018 murder of an African-
7	American woman from Kansas City, Missouri,
8	allegedly committed by a White supremacist
9	who reportedly bragged about being a member
10	of the Ku Klux Klan;
11	(J) the October 24, 2018, shooting in
12	Jeffersontown, Kentucky, in which a White
13	man allegedly murdered 2 African Americans at
14	a grocery store after first attempting to enter
15	a church with a predominantly African-Amer-
16	ican congregation during a service;
17	(K) the October 27, 2018, mass shooting
18	at the Tree of Life Synagogue in Pittsburgh,
19	Pennsylvania, in which a White nationalist al-
20	legedly shot and killed 11 members of the con-
21	gregation;
22	(L) the April 27, 2019, shooting at the
23	Chabad of Poway synagogue in California, in
24	which a man yelling anti-Semitic slurs allegedly

1	killed a member of the congregation and
2	wounded 3 others;
3	(M) the August 3, 2019, mass shooting at
4	a Walmart in El Paso, Texas, in which a White
5	supremacist with anti-immigrant views killed 22
6	people and injured 26 others;
7	(N) the December 10, 2019, shooting at a
8	Kosher supermarket in Jersey City, New Jer-
9	sey, in which 2 men with anti-Semitic views
10	killed 3 people in the store and a law enforce-
11 ¹¹	ment officer in an earlier encounter; and
12	(O) the December 28, 2019, machete at-
13	tack at a Hanukkah celebration in Monsey,
14	New York, in which a man who had expressed
15	anti-Semitic views stabbed 5 individuals.
16	(3) In November 2019, the Federal Bureau of
17	Investigation released its annual hate crime incident
18	report, which found that in 2018, violent hate crimes
19	reached a 16-year high. Though the overall number
20	of hate crimes decreased slightly after three consecu-
21	tive years of increases, the report found a 4-percent
22	increase in aggravated assaults, a 15-percent in-
23	crease in simple assaults, and a 13-percent increase
24	in intimidation. There was also a nearly 6-percent
25	increase in hate crimes directed at LGBTQ individ-

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uals and a 14-percent increase in hate crimes di-
rected at Hispanic and Latino individuals. Nearly 60
percent of the religion-based hate crimes reported
targeted American Jews and Jewish institutions.
The previous year's report found that in 2017, hate
crimes increased by approximately 17 percent, in-
cluding a 23-percent increase in religion-based hate
crimes, an 18-percent increase in race-based crimes,
and a 5-percent increase in crimes directed against
LGBTQ individuals. The report analyzing 2016 data
found that hate crimes increased by almost 5 per-
cent that year, including a 19-percent rise in hate
crimes against American Muslims. Similarly, the re-
port analyzing 2015 data found that hate crimes in-
creased by 6 percent that year. Much of the 2015
increase came from a 66-percent rise in attacks on
American Muslims and a 9-percent rise in attacks
on American Jews. In all 4 reports, race-based
crimes were most numerous, and those crimes most
often targeted African Americans.
(4) On March 15, 2019, a White nationalist
was arrested and charged with murder after alleg-
edly killing 50 Muslim worshippers and injuring
more than 40 in a massacre at the Al Noor Mosque
and Linwood Mosque in Christchurch, New Zealand.

1	The alleged shooter posted a hate-filled, xenophobic
2	manifesto that detailed his White nationalist ide-
3	ology before the massacre. Prime Minister Jacinda
4	Ardern labeled the massacre a terrorist attack.
5	(5) In January 2017, a right-wing extremist
6	who had expressed anti-Muslim views was charged
7	with murder for allegedly killing 6 people and injur-
8	ing 19 in a shooting rampage at a mosque in Quebec
9	City, Canada. It was the first-ever mass shooting at
10	a mosque in North America, and Prime Minister
11	Trudeau labeled it a terrorist attack.
12	(6) On February 15, 2019, Federal authorities
13	arrested U.S. Coast Guard Lieutenant Christopher
14	Paul Hasson, who was allegedly planning to kill a
15	number of prominent journalists, professors, judges
16	and "leftists in general". In court filings, prosecu-
17	tors described Lieutenant Hasson as a "domestic
18	terrorist" who in an email "identified himself as a
19	White Nationalist for over 30 years and advocated
20	for 'focused violence' in order to establish a white
21	homeland.".
22	SEC. 3. DEFINITIONS.
23	In this Act—
24	(1) the term "Director" means the Director of
25	the Federal Bureau of Investigation;

1	(2) the term "domestic terrorism" has the
2	meaning given the term in section 2331 of title 18,
3	United States Code, except that it does not include
4	acts perpetrated by individuals associated with or in-
5	spired by—
6	(A) a foreign person or organization des-
7	ignated as a foreign terrorist organization
8	under section 219 of the Immigration and Na-
9	tionality Act (8 U.S.C. 1189);
10	(B) an individual or organization des-
11	ignated under Executive Order 13224 (50
12	U.S.C. 1701 note); or
13	(C) a state sponsor of terrorism as deter-
14	mined by the Secretary of State under section
15	6(j) of the Export Administration Act of 1979
16	(50 U.S.C. 4605), section 40 of the Arms Ex-
17	port Control Act (22 U.S.C. 2780), or section
18	620A of the Foreign Assistance Act of 1961
19	(22 U.S.C. 2371);
20	(3) the term "Domestic Terrorism Executive
21	Committee" means the committee within the De-
22	partment of Justice tasked with assessing and shar-
23	ing information about ongoing domestic terrorism
24	threats;

1	(4) the term "hate crime incident" means an
2	act described in section 241, 245, 247, or 249 of
3	title 18, United States Code, or in section 901 of the
4	Civil Rights Act of 1968 (42 U.S.C. 3631);
5	(5) the term "Secretary" means the Secretary
6	of Homeland Security; and
7	(6) the term "uniformed services" has the
8	meaning given the term in section 101(a) of title 10,
9	United States Code.
0	SEC. 4. OFFICES TO COMBAT DOMESTIC TERRORISM.
1	(a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
2	LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
3	RORISM.—
14	(1) Domestic terrorism unit.—There is au-
15	thorized a Domestic Terrorism Unit in the Office of
16	Intelligence and Analysis of the Department of
17	Homeland Security, which shall be responsible for
8	monitoring and analyzing domestic terrorism activ-
۱9	ity.
20	(2) Domestic terrorism office.—There is
21	authorized a Domestic Terrorism Office in the
22	Counterterrorism Section of the National Security
23	Division of the Department of Justice—

1	(A) which shall be responsible for inves-
2	tigating and prosecuting incidents of domestic
3	terrorism; and
4	(B) which shall be headed by the Domestic
5	Terrorism Counsel.
6	(3) Domestic terrorism section of the
7	FBI.—There is authorized a Domestic Terrorism
8	Section within the Counterterrorism Division of the
9	Federal Bureau of Investigation, which shall be re-
10	sponsible for investigating domestic terrorism activ-
11	ity.
12	(4) Staffing.—The Secretary, the Attorney
13	General, and the Director shall each ensure that
14	each office authorized under this section in their re-
15	spective agencies shall—
16	(A) have adequate number of employees to
17	perform the required duties;
18	(B) have not less than 1 employee dedi-
19	cated to ensuring compliance with civil rights
20	and civil liberties laws and regulations; and
21	(C) require that all employees undergo an-
22	nual anti-bias training.
23	(5) Sunset.—The offices authorized under this
24	subsection shall terminate on the date that is 10
25	vears after the date of enactment of this Act.

1	(b) JOINT REPORT ON DOMESTIC TERRORISM.—
2	(1) BIANNUAL REPORT REQUIRED.—Not later
3	than 180 days after the date of enactment of this
4	Act, and each 6 months thereafter for the 10-year
5	period beginning on the date of enactment of this
6	Act, the Secretary of Homeland Security, the Attor-
7	ney General, and the Director of the Federal Bureau
8	of Investigation shall submit a joint report authored
9	by the domestic terrorism offices authorized under
10	paragraphs (1), (2), and (3) of subsection (a) to—
11	(A) the Committee on the Judiciary, the
12	Committee on Homeland Security and Govern-
13	mental Affairs, and the Select Committee on
14	Intelligence of the Senate; and
15	(B) the Committee on the Judiciary, the
16	Committee on Homeland Security, and the Per-
17	manent Select Committee on Intelligence of the
18	House of Representatives.
19	(2) Contents.—Each report submitted under
20	paragraph (1) shall include—
21	(A) an assessment of the domestic ter-
22	rorism threat posed by White supremacists and
23	neo-Nazis, including White supremacist and
24	neo-Nazi infiltration of Federal, State, and

1	local law enforcement agencies and the uni-
2	formed services; and
3	(B)(i) in the first report, an analysis of in-
4	cidents or attempted incidents of domestic ter-
5	rorism that have occurred in the United States
6	since April 19, 1995, including any White-su-
7	premacist-related incidents or attempted inci-
8	dents; and
9	(ii) in each subsequent report, an analysis
10	of incidents or attempted incidents of domestic
11	terrorism that occurred in the United States
12	during the preceding 6 months, including any
13	White-supremacist-related incidents or at-
14	tempted incidents; and
15	(C) a quantitative analysis of domestic ter-
16	rorism for the preceding 6 months, including-
17	(i) the number of—
18	(I) domestic terrorism related as-
19	sessments initiated by the Federal
20	Bureau of Investigation, including the
21	number of assessments from each
22	classification and subcategory, with a
23	specific classification or subcategory
24	for those related to White
25	supremacism;

1	(II) domestic terrorism-related
2 pr	reliminary investigations initiated by
3 th	ne Federal Bureau of Investigation,
4 in	cluding the number of preliminary
5 in	vestigations from each classification
6 aı	nd subcategory, with a specific clas-
7 si	fication or subcategory for those re-
8 la	ted to White supremacism, and how
9 m	any preliminary investigations re-
10 sı	alted from assessments;
11	(III) domestic terrorism-related
12 fu	all investigations initiated by the
13 F	ederal Bureau of Investigation, in-
14 cl	uding the number of full investiga-
15 ti	ons from each classification and sub-
16 ea	ategory, with a specific classification
17 01	r subcategory for those related to
18 W	Thite supremacism, and how many
19 ft	all investigations resulted from pre-
20 li	minary investigations and assess-
21 m	nents;
22	(IV) domestic terrorism-related
23 in	ncidents, including the number of in-
24 ci	dents from each classification and
25 si	abcategory, with a specific classifica-

1		tion or subcategory for those related
2		to White supremacism, the number of
3		deaths and injuries resulting from
4		each incident, and a detailed expla-
5		nation of each incident;
6		(V) Federal domestic terrorism-
7		related arrests, including the number
8 -		of arrests from each classification and
9		subcategory, with a specific classifica-
10		tion or subcategory for those related
11		to White supremacism, and a detailed
12		explanation of each arrest;
13		(VI) Federal domestic terrorism-
		related indictments, including the
14		
15		number of indictments from each clas-
16		sification and subcategory, with a spe-
17		cific classification or subcategory for
18		those related to White supremacism,
19	•	and a detailed explanation of each in-
20		dictment;
21		(VII) Federal domestic terrorism-
22		related prosecutions, including the
23		number of incidents from each classi-
24		fication and subcategory, with a spe-
25	<i>p</i>	cific classification or subcategory for

1	those related to White supremacism,
2	and a detailed explanation of each
3	prosecution;
4	(VIII) Federal domestic ter-
5	rorism-related convictions, including
6	the number of convictions from each
7	classification and subcategory, with a
8	specific classification or subcategory
9	for those related to White
10	supremacism, and a detailed expla-
11	nation of each conviction; and
12	(IX) Federal domestic terrorism-
13	related weapons recoveries, including
14	the number of each type of weapon
15	and the number of weapons from each
16	classification and subcategory, with a
17	specific classification or subcategory
18	for those related to White
19	supremacism; and
20	(ii) an explanation of each individual
21	case that progressed through more than 1
22	of the stages described under clause (i), in-
23	cluding the specific classification or sub-
24	category for each case.

1	(3) HATE CRIMES.—In compiling a joint report
2	under this subsection, the domestic terrorism offices
3	authorized under paragraphs (1), (2), and (3) of
4	subsection (a) shall, in consultation with the Civil
5	Rights Division of the Department of Justice and
6	the Civil Rights Unit of the Federal Bureau of In-
7	vestigation, review each hate crime incident reported
8	during the preceding 6 months to determine whether
9	the incident also constitutes a domestic terrorism-re-
10	lated incident.
11	(4) Classification and public release.—
12	Each report submitted under paragraph (1) shall
13	be—
14	(A) unclassified, to the greatest extent pos-
15	sible, with a classified annex only if necessary;
16	and
17	(B) in the case of the unclassified portion
18	of the report, posted on the public websites of
19	the Department of Homeland Security, the De-
20	partment of Justice, and the Federal Bureau of
21	Investigation.
22	(5) NONDUPLICATION.—If two or more provi-
23	sions of this subsection or any other law impose re-
24	quirements on an agency to report or analyze infor-
25	mation on domestic terrorism that are substantially

1	similar, the agency shall construe such provisions as
2	mutually supplemental, so as to provide for the most
3	extensive reporting or analysis, and shall comply
4	with each such requirement as fully as possible.
5	(c) Domestic Terrorism Executive Com-
6	MITTEE.—There is authorized a Domestic Terrorism Ex-
7	ecutive Committee, which shall—
8	(1) meet on a regular basis, and not less regu-
9	larly than 4 times each year, to coordinate with
10	United States Attorneys and other key public safety
11	officials across the country to promote information
12	sharing and ensure an effective, responsive, and or-
13	ganized joint effort to combat domestic terrorism;
14	and
15	(2) be co-chaired by—
16	(A) the Domestic Terrorism Counsel au-
17	thorized under subsection (a)(2)(B);
18	(B) a United States Attorney or Assistant
19	United States Attorney;
20	(C) a member of the National Security Di-
21	vision of the Department of Justice; and
22	(D) a member of the Federal Bureau of
23	Investigation.
24	(d) Focus on Greatest Threats.—The domestic
25	terrorism offices authorized under paragraphs (1), (2),

- 1 and (3) of subsection (a) shall focus their limited resources
- 2 on the most significant domestic terrorism threats, as de-
- 3 termined by the number of domestic terrorism-related inci-
- 4 dents from each category and subclassification in the joint
- 5 report for the preceding 6 months required under sub-
- 6 section (b).

7 SEC. 5. TRAINING TO COMBAT DOMESTIC TERRORISM.

- 8 (a) REQUIRED TRAINING AND RESOURCES.—The
- 9 Secretary, the Attorney General, and the Director shall
- 10 review the anti-terrorism training and resource programs
- 11 of their respective agencies that are provided to Federal,
- 12 State, local, and Tribal law enforcement agencies, includ-
- 13 ing the State and Local Anti-Terrorism Program that is
- 14 funded by the Bureau of Justice Assistance of the Depart-
- 15 ment of Justice, and ensure that such programs include
- 16 training and resources to assist State, local, and Tribal
- 17 law enforcement agencies in understanding, detecting, de-
- 18 terring, and investigating acts of domestic terrorism and
- 19 White supremacist and neo-Nazi infiltration of law en-
- 20 forcement and corrections agencies. The domestic-ter-
- 21 rorism training shall focus on the most significant domes-
- 22 tic terrorism threats, as determined by the quantitative
- 23 analysis in the joint report required under section 4(b).

1	(b) REQUIREMENT.—Any individual who provides do-
2	mestic terrorism training required under this section shall
3	have—
4	(1) expertise in domestic terrorism; and
5	(2) relevant academic, law enforcement, or
6	other community-based experience in matters related
7	to domestic terrorism.
8	(c) Report.—
9	(1) IN GENERAL.—Not later than 6 months
10	after the date of enactment of this Act and twice
11	each year thereafter, the Secretary, the Attorney
12	General, and the Director shall each submit a bian-
13	nual report to the committees of Congress described
14	in section 4(b)(1) on the domestic terrorism training
15	implemented by their respective agencies under this
16	section, which shall include copies of all training ma-
17	terials used and the names and qualifications of the
18	individuals who provide the training.
19	(2) Classification and public release.—
20	Each report submitted under paragraph (1) shall
21	be—
22	(A) unclassified, to the greatest extent pos-
23	sible, with a classified annex only if necessary;
24	and

1	(B) in the case of the unclassified portion
2	of each report, posted on the public website of
3	the Department of Homeland Security, the De-
4	partment of Justice, and the Federal Bureau of
5	Investigation.
6	SEC. 6. INTERAGENCY TASK FORCE.
7	(a) In General.—Not later than 180 days after the
8	date of enactment of this Act, the Attorney General, the
9	Director, the Secretary, and the Secretary of Defense shall
10	establish an interagency task force to analyze and combat
11	White supremacist and neo-Nazi infiltration of the uni-
12	formed services and Federal law enforcement agencies.
13	(b) Report.—
14	(1) IN GENERAL.—Not later than 1 year after
15	the interagency task force is established under sub-
16	section (a), the Attorney General, the Director, the
17	Secretary, and the Secretary of Defense shall submit
18	a joint report on the findings of the task force and
19	the response of the Attorney General, the Director,
20	the Secretary, and the Secretary of Defense to such
21	findings, to—
22	(A) the Committee on the Judiciary of the
23	Senate;
24	(B) the Committee on Homeland Security
25	and Governmental Affairs of the Senate:

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1	(C) the Select Committee on Intelligence of
2	the Senate;
3	(D) the Committee on Armed Services of
4	the Senate;
5	(E) the Committee on the Judiciary of the
6	House of Representatives;
7	(F) the Committee on Homeland Security
8	of the House of Representatives;
9	(G) the Permanent Select Committee on
10	Intelligence of the House of Representatives;
11	and
12	(H) the Committee on Armed Services of
13	the House of Representatives.
14	(2) Classification and public release.—
15	The report submitted under paragraph (1) shall
16	be—
17	(A) submitted in unclassified form, to the
18	greatest extent possible, with a classified annex
19	only if necessary; and
20	(B) in the case of the unclassified portion
21	of the report, posted on the public website of
22	the Department of Defense, the Department of
23	Homeland Security, the Department of Justice,
24	and the Federal Bureau of Investigation.

1 SEC. 7. DEPARTMENT OF JUSTICE SUPPORT FOR HATE

2	CRIME INCIDENTS WITH A NEXUS TO DOMES-
3	TIC TERRORISM.
4	(a) Community Relations Service.—The Com-
5	munity Relations Service of the Department of Justice,
6	authorized under section 1001(a) of the Civil Rights Act
7	of 1964 (42 U.S.C. 2000g), may offer the support of the
8	Service to communities where the Department of Justice
9	has brought charges in a hate crime incident that has a
0	nexus to domestic terrorism.
. 1	(b) FEDERAL BUREAU OF INVESTIGATION.—Section
2	249 of title 18, United States Code, is amended by adding
13	at the end the following:
14	"(e) Federal Bureau of Investigation.—The
15	Attorney General, acting through the Director of the Fed-
16	eral Bureau of Investigation, shall assign a special agent
17	or hate crimes liaison to each field office of the Federal
8	Bureau of Investigation to investigate hate crimes inci-
19	dents with a nexus to domestic terrorism (as such term
20	is defined in section 3 of the Domestic Terrorism Preven-
21	tion Act of 2020).".
22	SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
23	There are authorized to be appropriated to the De-
24	partment of Justice, the Federal Bureau of Investigation,
25	the Department of Homeland Security, and the Depart-

- 1 ment of Defense such sums as may be necessary to carry
- 2 out this Act.

